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John G. Rhiel, IV

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SONOMA TIRES, INC., a California
Corporation,

Plaintiff,

v.

BIG O TIRES, LLC, a Colorado Limited
Liability Company,

Defendant.

Case No. C 11-0818 RS

**STIPULATION REGARDING
HEARING DATE AND BRIEFING
SCHEDULE FOR PENDING MOTIONS
AND [PROPOSED] ORDER**

[L.R. 7-12]

**Date: October 11, 2012
Time: 1:30 p.m.
Place: Courtroom 3**

FILED
SEP 20 2012
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Big O Tires, LLC ("Big O"), on the one hand, and Sonoma Tires, Inc. ("Sonoma") and John G. Rhiel, IV ("Rhiel"), on the other hand, (collectively, "Parties") by and through their respective undersigned counsel, hereby stipulate and jointly request that the Court issue an Order as follows:

WHEREAS, Big O has filed a Motion for Summary Judgment currently set for hearing on October 11, 2012.

WHEREAS, Sonoma has filed a Motion for Partial Summary Judgment currently set for hearing on October 11, 2012.

WHEREAS, after filing the above motions, the parties participated in a private mediation on September 14, 2012. At the mediation, a complex settlement proposal was discussed.

WHEREAS, Big O requires a reasonable time to evaluate the potential settlement.

WHEREAS, the parties do not wish to incur unnecessary litigation costs while Big O evaluates the potential settlement, nor do the parties wish to burden the Court with potentially unnecessary motion practice.

WHEREAS, the parties desire and jointly request that the October 11, 2012 hearing on Sonoma's Partial Motion for Summary Judgment and Big O's Motion for Summary Judgment be continued two weeks to October 25, 2012, the deadline for the parties to file and serve Oppositions to the pending motions be continued from September 20, 2012 to October 2, 2012, and the deadline to file and serve a Reply to the respective Oppositions be continued from September 27, 2012 to October 11, 2012.

IT IS THEREFORE STIPULATED AND JOINTLY REQUESTED that:

1. The Court order that the October 11, 2012 hearing on Sonoma's Motion for Partial Summary Judgment and Big O's Motion for Summary Judgment be continued two weeks to October 25, 2012.
2. The Court order that the deadline for the parties to file and serve Oppositions to the pending motions be continued from September 20, 2012 to October 2, 2012.

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3. The Court order that the deadline for the parties to file and serve a Reply to the respective Oppositions be continued from September 27, 2012 to October 11, 2012.

4. All other deadlines remain as set forth the Court's scheduling order.

IT IS SO STIPULATED.

SEYFARTH SHAW LLP

Dated: September 19, 2012

By /s/ Joseph J. Orzano
Joseph J. Orzano
Attorneys for Big O Tires, LLC

LAGARIAS & BOULTER, LLP

Dated: September 19, 2012

By /s/ Peter C. Lagarias
Peter C. Lagarias
Attorneys for Sonoma Tires, Inc. and
John G. Rhiel, IV

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED,

1. The October 11, 2012 hearing on Sonoma's Motion for Partial Summary Judgment and Big O's Motion for Summary Judgment is continued two weeks to October 25, 2012.
2. The deadline for the parties to file and serve Oppositions to the pending motions is continued from September 20, 2012 to October 2, 2012.
3. The deadline for the parties to file and serve a Reply to the respective Oppositions is continued from September 27, 2012 to October 11, 2012.
4. All other deadlines remain as set forth the Court's scheduling order.

Dated: 9/20/2012


The Honorable Richard Seeborg

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